

REMARKS

Claims 1, 14 and 15 have been further amended and claims 81 and 82 have been added. Claims 1-26, 81 and 82 remain in the application. Claims 27-80 have been withdrawn. No new matter has been added and the amendments are supported by the specification.

Rejections Based on 35 U.S.C. § 112, Second Paragraph

The Applicant has noted the examiner's continued rejection of Claims 1-26 under 35 U.S.C. § 112, second paragraph and requests reconsideration and withdrawal of said rejection. Specifically, paragraph 5 of the office action asserts that Claims 1-26 are rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps, the omitted steps alleged to be means for inputting customizable criteria or the introduction of customizable criteria. Minor revisions to the claims have been made in an effort to address the examiner's Section 112, second paragraph concerns, which should be sufficient for the withdrawal of the examiner's rejections based on Section 112, second paragraph.

Section 102/103 Rejections

The Applicant notes the examiner's rejection of Claims 1-12 and 14-26 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,853,621 ("Spear") and respectfully requests reconsideration and withdrawal of said rejections in light of the following discussion and amendments.

The Applicant respectfully submits that neither the portions of the Spear patent cited by the examiner in the office action nor the rest of Spear anticipate the Applicant's claims.

The examiner cites to Column 2-3, lines 45-7 and Column 24, lines 42-50 to reject Applicant's independent claims 1, 14 and 15. However, said columns do not provide support for examiner's contention that Spear describes Applicant's invention as claimed. Contrary to the examiner's assertion in paragraph 8 of the office action, Spear does not include means for processing the user query in the form of a telephone number to provide access to the website of the proprietor of such telephone number. Instead, Spear provides access to the website of telephone service providers that can complete the call to the queried number. A user of Spear, entering, for example, the telephone number for the local Pizza Hut restaurant, would be provided with a directory of telecommunications service providers that can best complete the call to the specified number, and possibly to the website for such service providers, rather than being directed to the website for the Pizza Hut that corresponds to the specified telephone number and being provided also with a referential directory of other pizza restaurants, the restaurants listed being further selectable based on customizable criteria such as price, delivery options, location, etc. Spear neither can nor does accomplish the same result as the Applicant's invention. The Applicant's invention consists of a customizable computer system that contains telephone numbers corresponding to specific Internet websites and comparable alternative websites and not to telephone subscribers and telephony service providers. Further Column 24, lines 42-50 of Spear clearly distinguish Applicant's invention from Spear, as lines 42-50 illustrate that the telephone number entered in Spear is one that the user wants to call, in the sense of a typical telephone call, NOT the telephone number that corresponds to the proprietor of a website that the user wants to access. The Spear system identifies packet-switched telephony service providers that are

available to complete the telephone call, providing a comparison of their rates, monthly fees, initial prepay amounts, required software, call origin restrictions, call time restrictions and terms of service. See Column 24, lines 58-67. In particular, this is explained in Column 24, lines 63-67 — “The listing shows service attributes for packet switched telephony providers offering service to the telephone number...in Nanjing, China shown are the service attributes for Competitor A, Competitor B, Competitor C, Competitor D....” Contrary to the examiner’s assertion, Spear nowhere discloses, or suggests for that matter, a system whereby a user can access a specified website and comparable alternative websites utilizing the telephone number of the proprietor of the specified website as search queries.

The examiner cites Column 4, lines 41- 43 for the proposition the Spear discloses a means for processing said user search query to provide access to said specified Internet website in response to said query. However, contrary to the examiner’s position, Column 4, lines 41-43 teach that a server may initiate a call using a preferred service provider or the server may forward the user to a website operated by the preferred service provider to place the phone call. The user employing Applicant’s invention, on the other hand, is actively searching for a website or a comparable alternative by using a telephone number as the search criteria, whereas the user employing Spear’s invention is making a telephone call and not searching for a website. Accordingly, the Spear server does not provide the user with access to a website corresponding to a website proprietor’s telephone number, but instead provides access to a website of a phone company that can complete the telephone call. It is no different than a Verizon customer entering a telephone number into a mobile phone to call China and then being automatically re-

routed through an AT&T, T-Mobile or Cingular service because it had better rates. The fact that the server is directing him or her to a preferred service provider to make the phone call is not akin to an individual searching for a certain website using a telephone number.

The examiner cites Spear Column 2-3, lines 58-7 to support his position that Spear teaches a means for providing a referential directory of additional Internet websites that are comparable to said specified Internet website, based on one or more customizable criteria for comparison. Applicant respectfully submits that this is incorrect. Column 2, lines 58-62 states that “[i]t would be desirable for a user to be able to enter a telephone number or location description into a query field to obtain a listing of packet-switched telephony service providers providing service to the entered phone number or location description.” Further, Column 24, lines 50-53 of Spear provides a listing of telephony service providers that can complete the call to the phone number specified by the user, not a listing of websites that are comparable to the website of the business or individual that corresponds to the telephone number referred to in the user’s query. This illustrates that a user employing Spear’s invention will only be directed to packet-switched telephony service providers and not specific websites corresponding to specific telephone numbers.

As discussed in Applicant’s response to the examiner’s previous office action, the clear distinction between the Applicant’s invention as claimed and Spear’s invention as claimed is that in Spear the user is seeking to complete a phone call, and Spear helps to find the best way to do so, whether it be via AT&T, VERIZON, CINGULAR, METRO PCS and T-MOBILE or some other packet-switch telephony service provider. In the

Applicant's invention, however, the user is looking for a website that corresponds to the same business or person, for which or whom the telephone number corresponds. The user of the Applicant's invention is not looking to complete a phone call, but instead is shopping for goods/services in general on the Internet.

The Applicant's invention provides the valuable phone number to website cross-referencing as well as a listing of websites/numbers of those that are offering either the same types of goods/services, or content or are in the same geographic area, or have competitive prices, or have content published at similar dates (i.e., based on customizable criteria as claimed by the Applicant).

Based on the foregoing, the Applicant respectfully submits that neither Claims 1, 14 or 15 are anticipated by Spear. It logically follows that the dependent claims are not anticipated either, but the Applicant wishes to note for the record the lack of support in the cited portions of Spear for other claim rejections.

Further, as previously discussed, as to Claim 3 and 4, there is absolutely no mention of displaying the website content in a standardized format or of providing customizable criteria via electronic communication. The rejection completely disregards the wording of the Applicant's claims. Even with the additional wording used to clarify the cited section of Spear and the reasoning for its use, claim 5 of Applicant's invention as claimed is not disclosed in Column 9, Lines 62-63 of Spear. Nowhere in Column 9, Lines 62-63 does Spear disclose customizable criteria that can be preprogrammed into the system, instead Column 9, Lines 62-63 disclosed an interface the provided output to and receives input from the user.

With respect to the rejection of Claim 6, contrary to the examiner's assertion in paragraph 13 of the office action, a hyperlink, as disclosed in Spear (Column 25, lines 5-9) is a reference or navigation tool used to transfer the user to a service provider website, it is not a database containing the data which is what the Applicant's Claim 6 refers to. In paragraph 43 of the office action the explanation given is that somehow a hyperlink to a web page is a database containing data. The Applicant respectfully submits that this is incorrect.

As discussed in Applicant's prior response, the examiner has disregarded the wording of the Applicant's Claims 7-11 and 22-26 in his rejections of said claims which state that the invention's software applications select additional websites based on comparison of information pertaining to various criteria as noted in such claims. The Applicant respectfully submits that Claims 1-12 and 14-26 are not anticipated under 35 U.S.C. 102 (e) by the patent cited.

Section 103 Rejection of Claim 13

While KSR does foreclose the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness, it still holds that what matters in an obvious determination is the objective reach of the claim, which in the instant matter is Claim 13. See KSR Int'l Co. v. Teleflex Inc., 82 USPQ2d 1385, 1391 (2007). Claim 13, which is dependent on Claim 12, which in turn is dependent on Claim 1, teaches wherein said means for sending electronic mail to said recipient further comprises means for sending said electronic mail to multiple alternate electronic mail addresses corresponding to said recipient, said electronic mail addressed being selected based on customizable criteria. The reach of this claim is not as broad as the examiner believes. It is limited to cross referencing phone numbers to email addresses retrieved as a result of

customizable criteria, including multiple email addresses corresponding to the person or business whose phone number is entered as a query,

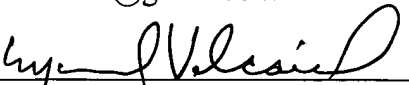
The Applicant respectfully submits that its invention as claimed is not anticipated by or obvious in view of Spear. The Applicant therefore respectfully requests that examiner withdraw the rejection of the Applicant's Claims 1-12 and 14-26 based on 35 U.S.C. Section 102(b) and withdraw the rejection of Applicant's Claim 13 based on 35 U.S.C. Section 103.

The Applicant respectfully submits that the application and claims, as amended, are in condition for allowance. Nonetheless, should the examiner still have any comments, questions or suggestions, the examiner is respectfully requested to telephone the undersigned at the telephone number listed below.

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Respectfully submitted,

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